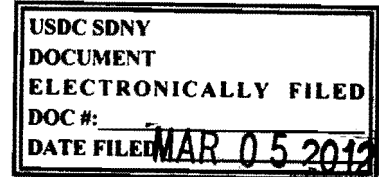


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
METRO FOUNDATION CONTRACTORS, INC.,

Plaintiff,

09 Civ. 6796 (KBF)

-v-

ORDER

ARCH INSURANCE COMPANY,

Defendant,

----- X
ARCH INSURANCE COMPANY,

Third-Party Plaintiff,

-v-

MARCO MARTELLI & ASSOCIATES, INC.,
MARTELLI REAL ESTATES, INC., MARCO
MARTELLI, MADELINE MARTELLI, RONALD
KUHLMANN and PATRICK QUIGLEY,

Third-Party Defendants.

----- X
KATHERINE B. FORREST, District Judge:

This Court has reviewed the parties' submissions regarding their respective outstanding discovery requests and ORDERS as follows:

AS TO THE REQUESTS TO ARCH FROM METRO:

- Nos. 1 and 2: Arch represents that it has provided all such documents in its possession. It has not further obligations with respect to these requests.

- No. 3: Arch agrees to produce responsive documents dated through February 28, 2009 as well as all documents concerning MMA's completion costs for Metro's scope of work. The Court finds that this is sufficient.
- No. 4: Arch has agreed to produce any additional documents in its possession, custody or control regarding the lien discharge bond. The Court finds that this is sufficient.
- No. 5: Arch has determined that it may have additional documents and it will produce them. The Court finds that this representation is sufficient.
- No. 6: The Court finds this request irrelevant to resolution of the claims before the Court. The Court will not require production of these materials at this time.
- No. 7: Arch shall produce materials relating to its communications with VCNV regarding only the matters at issue in this litigation. Communications unrelated to such matters are irrelevant and need not be produced.
- No. 8: Arch agrees to produce any additional documents it may have in its possession, custody or control. The Court finds that this is sufficient.
- No. 9: Arch has agreed to produce more legible copies. The Court finds that this is sufficient.

- No. 10: It is not reasonable to seek these materials from Arch. Metro can obtain these materials, if at all, from VCNY.
- No. 11: The only materials relevant would be those relating to Metro. Arch represents that it has produced such materials already. The Court finds that this is sufficient. General underwriting materials relating to MMA are irrelevant to the claims before this Court.
- No. 12: The financial records sought are irrelevant to the claims before this Court and the Court will not require their production.
- No. 13: The financial records sought are irrelevant to the claims before this Court and it will not require their production.
- No. 14: Arch represents it has produced any responsive, relevant documents. The Court finds that this is sufficient. The Court will not require the production of general underwriting materials relating to MMA.
- No. 15: This request should not be directed at Arch. The Court will not require Arch to respond.
- No. 16: Arch represents that it does not have the cancelled checks. This request is more appropriately

directed at an entity other than Arch. The Court will not require Arch to provide these materials.

- No. 17: Arch represents that it does not have these materials and that the request is better directed at MMA. The Court will not require Arch to provide these materials.
- Nos. 18-19: These requests are better directed at MMA. The Court will not require that Arch produce these materials.
- No. 20: Arch represents that it is unaware of any such communications. That is sufficient.

AS TO THE REQUESTS TO METRO FROM ARCH


- Nos. 3, 4, 6-10: The Court finds that these documents are relevant and should be produced.

AS TO THE REQUESTS FROM MMA TO METRO

- Nos. 1-9: The Court finds that these documents are relevant and should be produced.

SO ORDERED.

Dated: New York, New York
March 2, 2012



KATHERINE B. FORREST
United States District Judge